IN THE HIGH COURT OF JUDICATURE AT PATNA
MA No.375 of 2003
VYAS MUNI TIWARY
Versus
INDRAPATI TIWARY & ORS
---

11. 18.8.2008 This appeal has been filed against the order dated 25.8.2003 passed by learned 1st FTC, Siwan, in Misc. case no. 5 of 2003 filed under Order 41 Rule 19 read with Section 151 CPC for readmission of title appeal no. 66 of 1989, whereby and whereunder the learned court below has dismissed the misc. case.

Heard learned counsel for the appellant. No body appears for the respondents although notices were validly served upon them.

The misc.case arose on account of dismissal of title appeal no. 66 of 1989 on 7.8.2003 for readmission of the aforesaid misc. case, which stood dismissed for non-prosecution.

Having considered facts and circumstances of the case, an opportunity to contest the matter on merit should be given provided the other side should also be compensated by way of cost of Rs.1000/- to be paid to the respondents by the appellant, which would be the condition precedent for readmission.

With the aforesaid observation, this appeal stands disposed of.

WEB COPY
NOT OFFICIAL

(Subash Chandra Jha,J.)

spal/